United Nations A/HRC/WG.6/32/AFG/3

General Assembly

Distr.: General
6 November 2018

Original: English

**Human Rights Council**
**Working Group on the Universal Periodic Review**
**Thirty-second session**
21 January1 February 2019

# Summary of Stakeholders' submissions on Afghanistan*

**Report of the Office of the United Nations High Commissioner for Human Rights**

## I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 8 stakeholders' submissions[1] to the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contribution by the national human rights institution that is accredited in full compliance with the Paris Principles.

## II. Information provided by the national human rights institution accredited in full compliance with the Paris Principles

2. Afghanistan Independent Human Rights Commission (AIHRC) reported that it was re-accredited with "A" status by the GANRI. AIHRC noted the positive achievements since the last UPR, especially in the areas of the protection of victims of human rights violations, through the inclusion of the practice of Bacha Bazi (child exploitation for sexual purposes), war crimes, crimes against humanity and genocide, protecting and preservation of the environment which were criminalized in the criminal code. Afghanistan also signed the Law on the Prevention, Prohibition of Harassment of Women and Children, and the virginity test was prohibited by the new penal code. Afghanistan ratified the OP-CAT and withdrew reservations on CAT. However, it reported that no accountability mechanism for torture was implemented.[2]

3. AIHRC informed that Afghanistan developed an action plan regarding the previous UPR recommendations, and implemented them through relevant government departments. Nevertheless, they reported that many challenges continue to remain, and citizens' access to and exercising their human rights are faced with threats and restriction.[3]

* The present document was not edited before being sent to United Nations translation services.

4. AIHRC observed that the withdrawal of foreign troops and the transfer of security responsibility to Afghan forces and the continuation of war and instability in the country have had a negative impact on the human rights situation, especially on the security of citizens. The emergence and operations of the so-called ISIS groups have led to more fears and insecurity. The continuation of war and the conflict, the attacks on the civilians, cities, and villages by the anti-government forces, specially Taliban and ISIS through suicide bombers and land-mine attacks remained as a major concern. As a result of the conflict, thousands of families and individuals have become displaced and have a deplorable living condition. It reported that the government has failed to provide adequate social services, accommodation and jobs.[4]

5. AIHRC recommended to ensure its budget and staff security and AIHRC recommendations are implemented. Similarly, AIHRC recommended to provide support for civil society organizations, human rights defenders, the media and freedom of expression should be explicitly addressed and strengthened through the adoption of specific policies and procedures.[5]

6. AIHRC observed that because of war and insecurity, the right to life was seriously threatened and endangered in various forms and at high levels. Disregard to applicable humanitarian and human rights laws by parties to the conflict in Afghanistan has caused civilian casualties. Based on the findings of the AIHRC, the number of civilians' killed during 2017 was 3,368. Thus, there are 26 deaths and injuries per day. The total number of civilian casualties during the 2014-2017 increased to 34,639. The perpetrators of 69.8 percent of the total civilian casualties are anti-government armed groups, while 10.7 percent are government forces and pro-government international military forces and 19.5 percent of the perpetrators, have not been identified yet.[6]

7. AIHRC reported that corruption is a major challenge for people to enjoy human rights and peace. It recommended to find out the weak points and deficiencies of the fight against corruption, and create a mechanism to fight it transparently, effectively, seriously, sincerely in a nonselective manner. It urged the government to be responsible for fulfilling its human rights obligations and make its efforts to ensure the citizens' security and welfare, through rule of law, good governance, capacity building and supporting of defense and security forces, and eliminate discrimination against women, and ethnic and linguistic groups.[7]

8. AIHRC noted that the government has been unable to address impunity and effectively and adequately process and redress people's complaints of violations of their human rights by powerful people and government officials. AIHRC has registered 18,433 complaints of human rights violations during 2014-2017. It recommended the government to effectively end the culture of impunity and maintain its commitments to the values of the Constitution and its international obligations, and prosecute the perpetrators and bring them to justice.[8] AIHRC's inquiry in 2017 on citizens' access to justice and the judicial organs revealed that about 16.6 percent of the primary court in 25 provinces are virtually inactive due to the insecurity and local domination of the anti-government armed groups. In most of Afghanistan's provinces, citizens did not have access to police offices, and pursuing of cases by the police has been faced with serious challenges and obstacles, and thus ensuring security and justice for citizens was also faced with difficulties.[9]

9. AIHRC recommended the government embark on and implement effective policies on reducing poverty, and unemployment. The implementation of the 2030 agenda, Sustainable Development Goals must be seriously become a priority to the government.[10]

10. AIHRC noted that violence against women is one of the most serious violations of human rights. During 2014-2017, AIHRC registered, investigated and followed around 19,920 cases of violence against women and referred them to the relevant legal entities. Out of these cases, 845 cases were cases of women who were murdered. The real statistics of women's violence and murders are much higher. The prosecution and punishment of perpetrators of violence against women by government agencies, as well as the implementation of the EVAW Law and the Law for the Prevention of the Sexual Harassment against Women and Children have been ineffectively done and challenges remained unchanged. Statistics showed that the government and the law enforcement

agencies have failed to properly and timely investigate cases of violence against women and cases of murder. AIHRC attributed that insecurity, corruption, the increased culture of impunity, lack of rule of law, the spread of harmful custom and tradition in society, lack of awareness of people of the law and human rights, poverty and economic problems are among the factors of violence against women which have not been adequately and practically addressed by the government. AIHRC reported that Taliban also continued to commit killings and extra judicial and arbitrary punishment of women in the area of under their control.[11] AIHRC recalled that under Resolution 1325 and the SDGs, the government has to accelerate the process of gender mainstreaming in the departments. It recommended that the government seriously consider women in the peace process and have a transparent stand in this regard.[12]

11. AIHRC reported on the challenges facing children rights, despite commitments to the observance and implementation of a number of documents and conventions on the rights of the child. AIHRC investigations showed that many children are deprived of their human rights and suffer of doing hard works and exposed to inappropriate environmental working conditions. AIHRC observed that involvement of children in wars and conflict is one of the worst cases in Afghanistan. Family pressure, economic problems and the need for employment, religious reasons and pressure from the armed forces have been the reasons for joining the military. AIHRC's national inquiry in 2017, showed 13 percent of children have been sexually assaulted, 44 percent have experienced physical violence and 44 percent mental violence. Early marriages of children under the age of 15, despite its legal prohibition, remained a major challenge for children. The numbers of the victims of early marriage is higher as many victims do not have the ability, awareness, facilities and the opportunity to refer to relevant institutions for filing a case. The main reasons for underage marriage, the victim of which is generally girls, are social, cultural and economic factors, as well as informal justice problems.

12. AIHRC reported that currently, 45 percent of all schools have non-standard buildings. According to the Ministry of Education, in 1396 (2018), about 1050 schools have been closed or remained inactive in the country due to the threats of anti-government armed groups. The level of suffering and deprivation of IDP children, returnees, children with disabilities and Sikh minorities of the right to education is likely more serious and deplorable. It recommended paying more attention to the realization of the right to education and adopt protective laws and mechanisms to protect vulnerable children, children with disabilities and those who are exposed to hard works. They recommended that the government provide shelters for children with intellectual/mental disabilities.[13]

13. AIHRC reported the deterioration of economic situation and the war resulting in the displacement of people, brain drain, the vulnerability of the poorest families and the increase in social and economic inequalities. They considered that the government has been unable to ensure citizens' security which became widespread, serious and desperate. Insecurity, threats, suicide, explosions, arbitrary murders, weaknesses of the rule of law, impunity from punishment and corruption have caused people to be in fear and panic in their everyday life.[14]

## III. Information provided by other stakeholders

### A. Scope of international obligations[15] and cooperation with international human rights mechanisms and bodies[16]

14. ICAN appreciated Afghanistan's voting in favour of the adoption of the UN Treaty on the Prohibition of Nuclear Weapons and recommended signing and ratifying it as a matter of urgency.[17]

15. HRW noted that during Afghanistan's second UPR cycle, it indicated that it will consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance. HRW also observed that as of July 2018, the government had not extended an invitation to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. It recommended inviting the Rapporteur to visit.[18] JS1

recommended extending invitations for visits to the Special Rapporteurs on: 1) the situation of human rights defenders; 2) the promotion and protection of the right to freedom of opinion and expression; 3) the rights to freedom of peaceful assembly and of association; 4) the Independence of Judges and Lawyers; 5) extrajudicial, summary or arbitrary executions; 6) the rights to privacy and 7) Working Group on Arbitrary Detention.[19]

16. JS1 recommended to submit its long-overdue report on ICCPR and ensure meaningful civil society consultation in the preparation of that report.[20]

17. JS1 recommended to present a midterm evaluation report to the Human Rights Council on the implementation of the Universal Periodic Review (UPR) recommendations of this session.[21]

## B. National human rights framework[22]

18. JS1 recommended to implement transparent and inclusive mechanisms of public consultations with CSOs and enable more effective involvement of civil society in the preparation of law and policy; Ensure the meaningful participation of CSOs in the UPR process before finalising and submitting the national report; Systematically consult with civil society on the implementation of UPR; and incorporate the UPR outcomes in its action plans for the promotion and protection of all human rights.[23]

## C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

### 1. Cross-cutting issues

*Human rights and counter-terrorism*[24]

19. HRW noted that while the government has fulfilled its obligation to bring national legislation into conformance with the Convention against Torture, incorporating the crime of torture in domestic law, it has not enforced the law. However, amendments to the Criminal Procedure Code allow security personnel to hold suspects accused of terrorist crimes and crimes against internal and external security for up to 70 days without requiring those suspects to be brought before a judge. Such provisions increase the risk of torture.[25]

### 2. Civil and political rights

*Right to life, liberty and security of person*[26]

20. HRW noted that since Afghanistan's last UPR in 2014, the human rights situation has deteriorated, as fighting has intensified between government forces and insurgent groups. Civilian casualties have steadily increased. In 2013, at least 8,638 civilians were killed or injured; in every year since, civilian casualties have surpassed 10,000.[27]

21. HRW noted that Afghan special police have carried out forced disappearances and summary executions with impunity. It documented summary executions of civilians by NDS special police units in Nangarhar, Kabul and Kandahar. It received reports that other ANSF special forces, including the Khost Protection Force, have been responsible for extrajudicial executions of civilians. It noted that the government has continued to rely on militia forces, some of which have killed and assaulted civilians. It reported that the Afghan security forces have been complicit in the sexual exploitation and recruitment of children, and as with other kinds of abuse, and failed to hold perpetrators accountable. It recommended Afghanistan to promptly and thoroughly investigate all allegations of torture, enforced disappearances, and summary executions and appropriately prosecute all those found responsible for committing, ordering, or acquiescing in these crimes. HRW recommended enforcing the existing legal prohibitions on the use of coerced confessions in judicial proceedings and take appropriate disciplinary action against prosecutors and judges who permit their use; provide compensation for all victims of torture; promptly and

thoroughly investigate all allegations of and appropriately prosecute all those found responsible for the recruitment and sexual exploitation of children.[28]

*Administration of justice, including impunity, and the rule of law*[29]

22. HRW was concerned that impunity remained the norm among the country's security forces. They noted that despite establishing human rights units in the relevant agencies and reformed the law, but it has not prosecuted any ANP, ALP or NDS officials for torture. During its second UPR, Afghanistan accepted three recommendations focused on amending the government's amnesty law and ending impunity, urging the government to prosecute officials implicated in unlawful violence and to put an end to impunity. They observed that the government has made no progress on any of the areas to allow for prosecutions of certain crimes; remedy past human rights violations and release the Human Rights Commission's conflict mapping report. It recommended repealing the National Stability and Reconciliation Law and take action to end impunity for war crimes and crimes against humanity; impartially investigate and appropriately prosecute crimes against humanity and war crimes in Afghanistan's national courts; publish the Conflict Mapping Report, and create an appropriate transitional justice mechanisms and ensure full cooperation with the ICC.[30]

*Fundamental freedoms and the right to participate in public and political life*[31]

23. ADF International observed that a widespread harassment and intimidation of religious minorities is rampant by the local population and government. Radical religious terrorist groups have been targeting religious minorities. Reports of detentions, abductions, and even deaths motivated by religious animus are numerous. ADF International recommended that Afghanistan ensure freedom of religion or belief, both in law and in practice, and root out all cases of religious persecution and exploitation of laws against members of religious minorities and to prosecute and punish all cases of religiously-motivated violence against individuals and property to eliminate the occurrence of such atrocities.[32]

24. ADF International reported that Afghanistan has strict blasphemy laws, and laws are often exploited and deliberately misused against Christians. Individuals charged with blasphemy are often subject to vigilantism in the form of harassment and physical attacks. Most Christians go into hiding or leave Afghanistan for the sake of their privacy and for the physical safety of themselves and their families. It recommended repealing all apostasy and blasphemy laws and ensure and safeguard the rights to freedom of opinion and expression as required under international law, and release and/or grant relief and protection to individuals whose rights have been violated by these laws.[33]

25. CPJ ranked Afghanistan as the seventh in CPJ's 2016 Impunity Index, which highlights where journalists are killed and their killers go free. It recognized that Afghanistan has a vibrant private, independent media sector that bravely reported on the difficult security situation facing Afghanistan and applauded the fact that this has been possible only with the toleration and support of Afghanistan's national government. Nonetheless, the media's ability to report the news has been heavily compromised by repeated deadly attacks from militant groups. While those attacks stem from Afghanistan's long-running civil war, CPJ believed that more can be done to pursue those who plan and execute crimes against journalists and to bring them to justice. Putting an end to impunity for such crimes would mark an important step in the enhancement of safety for journalists and media workers, and further guarantee freedom of the press. They were concerned that journalists in Afghanistan continue to operate in one of the most dangerous and deadly places in the world, and have been frequent targets by non-state actors.[34] HRW also observed that attacks on journalists have increased since the previous UPR, despite the government vowing to investigate all cases of threats and violence by security personnel, members of parliament and other officials, and in some cases has launched investigations, but it consistently failed to prosecute the perpetrators.[35]

26. JS1, HRW and CPJ noted that under the 2nd UPR cycle, Afghanistan accepted two recommendations relating to the freedom of expression and access to information, and investigate and prosecute all cases of violence against journalists but it failed to investigate

and prosecute dozens of cases of violence against journalists by security forces or hold perpetrators accountable. They recommended Afghanistan to promptly, effectively and impartially investigate all attacks on journalists and news organizations, and ensure that any officials or security force personnel found responsible for obstructing, abusing, or assaulting journalists are appropriately disciplined or prosecuted; enhance safety measures for journalists and news organizations that have come under threat from non-state actors and provide protection when needed and ensure that no government entity endorses the restriction of freedom of press in any way whatsoever.[36]

27. JS1 additionally recommended to ensure the freedom of expression and media freedom by bringing all national legislation into line with international standards; ensure that journalists and writers may work freely and without fear of retribution from state and non-state actors for expressing critical opinions or covering topics that the government may find sensitive; adopt a framework for the protection of journalists from violent attack, persecution, intimidation and harassment; implement legislative measures regarding access to information and establish mechanisms to facilitate public access in line with best practices; refrain from censoring the media and ensure that adequate protections are put in place which prevent state and non-state groups from exercising pressure over the media which results in censorship; Government officials, and especially those occupying the highest public offices, should refrain from insulting or carrying out smear campaigns targeted at journalists and human rights defenders and refrain from censoring social and conventional media and ensure that the freedom of expression is safeguarded in all forms, including in the arts.[37]

28. JS1 noted that access to information is also sometimes impeded on national security grounds. At least 51 percent of cases of violence and threats against journalists were perpetrated by armed groups, with the so-called Islamic State (Da'esh) and the Taliban, while the Government was responsible for 34 percent of them.[38]

29. HRW noted that journalists have reported that the government has failed to fully implement the Access to Information Law, making it difficult and dangerous for the media to obtain information from public officials. It recommended Afghanistan to fully implement the Access to Information Law.[39]

30. JS1 was deeply concerned that continued insecurity has resulted in the closure of space for civil society, including through targeted attacks on humanitarian workers, protesters and journalists. JS1 noted that during the 2nd UPR cycle, the Government accepted all four recommendations relating to civil society space with only two recommendations that were partially implemented while it failed to implement the other two. JS1 acknowledged that the government introduced some positive amendments to laws related to civil society in recent years, and enacted an Access to Information Law since the last review, but CSOs and HRDs still face serious risks in carrying out their work, while recognising that the continuing actions of violent non-state actors including the Taliban have largely contributed to this failure. They called on the government to do more to ensure the protection of CSOs, HRDs, protesters and journalists. JS1 also observed that Afghanistan accepted both recommendations under Afghanistan's previous UPR, the government received two recommendations on the protection of HRDs, journalists and civil society representatives. However, conditions for HRDs in Afghanistan remained perilous as they face constant threats to their life and security particularly women HRDS (WHRDs). While the government itself is not directly responsible for most of the attacks, the state has failed to ensure adequate protection for HRDs and they have also been implicated in attacks on CSOs since the last UPR review. JS1 recommended the government to ensure that civil society members, journalists and HRDs are provided with a safe and secure environment in which to carry out their work; conduct impartial, thorough and effective investigations into all cases of attacks, harassment and intimidation against them and bring the perpetrators of such offences to justice; recognise the specific situation of WHRDs, including the heightened risk of sexual assault, threats and harassment that they face; publicly condemn instances of harassment and intimidation of CSOs, civil society activists and HRDs; systematically apply legal provisions that promote and protect human rights; and establish mechanisms that protect human rights activists by adopting a specific law on their protection.[40]

31. JS1 noted that despite the generally enabling nature of these two overarching laws on Non-governmental Organizations (NGO Law) 2005 and the Law on Associations as amended in December 2017, subsidiary regulations mean that CSOs in Afghanistan are sometimes subjected to invasive supervisory oversight. CSOs in Afghanistan are also subject to additional and burdensome bureaucratic obstacles provided for in the laws governing civil society. JS1 recommended the government to guarantee freedoms of association, peaceful assembly and expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state's duty to protect, particularly humanitarian CSOs working in areas where there are active armed conflicts; undertake thorough and independent investigations into all attacks against humanitarian aid workers, including into the 2015 attack on the MSF Hospital in Kunduz and the 2016 raid on the SCA-supported hospital in Wardak province; reduce the bureaucratic burden placed on CSOs; end unwarranted raids on civil society groups and unjustifiable disruptions to legitimate events and activities organised by CSOs and refrain from acts leading to the closure of CSOs or the suspension of their peaceful activities, and promote a meaningful political dialogue that allows and embraces diverging views, and in particular those of WHRDs.[41]

32. JS1 noted that the right to gather and hold peaceful demonstrations for attaining legitimate and peaceful objectives is protected by the Constitution. However, in practice and policy the right is impeded through a combination of regulatory and security restrictions. Although citizens can exercise their right to peaceful protests, in some cases, police use excessive force and arrests, or protests may be infiltrated by armed groups who turn protests violent. JS1 called on the Government to create and maintain, in law and in practice, an enabling environment for civil society. JS1 recommended the government to adopt best practices on the freedom of peaceful assembly, to ensure that proposals to tighten laws on the freedom of peaceful assembly, which were defeated earlier in 2018, are not brought back under a new name or a different process. They also recommended to immediately and impartially investigate all instances of extrajudicial killing and excessive force committed by security forces, including while monitoring protests and demonstrations. JS1 urged Afghanistan to review and, if necessary, update existing human rights training for police and security forces to foster the more consistent application of international human rights standards and publicly condemn the use of excessive and brutal force by security forces in the dispersal of protests, and bring the perpetrators to justice and provide effective remedy, and refrain from threats and interference connected with peaceful assemblies conducted by opposition political groups and ensure that the right to freedom of peaceful assembly is extended, without discrimination, to all groups in Afghanistan.[42]

### 3. Economic, social and cultural rights

*Right to education*[43]

33. ODVV noted that one of the outcomes of the spread of war and conflict is the restriction of the right to education. As a result of increased insecurity, hundreds of schools have closed and many children that include two-thirds of girls have been deprived of education. In spite of improvement in access to education, in some areas, security concerns and social traditions are still major obstacles in the way of girls' access to education. In parts of the country where children can attend school, there are not enough available facilities. Altogether 41 percent of schools do not have a building. And the distance between where many of these children live from school is so long that they are not able to attend classes in schools. The lack of standard schools and the long distance alongside cultural issues and insecurity have great impacts on the deprivation of girls from education. ODVV recommended to guarantee the right to education and allocate an inclusive budget for education for all its citizens, equally and without discrimination based on gender, religion, race and ethnicity.[44]

## 4. Rights of specific persons or groups

*Women*[45]

34. HRW noted that violence against women, including rape, murder, mutilation and assault is widespread, and the perpetrators are rarely brought to justice. In the 2014 UPR, the Afghanistan delegation accepted numerous recommendations on improving implementation of the 2009 Law on the Elimination of Violence Against Women (EVAW law), including the measures recommended to Afghanistan by the Committee on the Elimination of Discrimination against Women in July 2013. During the review, the Afghan delegation committed to implement the EVAW law, and that perpetrators of violence against women would be prosecuted and punished. However, HRW found that Afghan women seeking justice after facing violence continue to face formidable obstacles. Afghan authorities routinely turn victims away or pressure them to accept mediation. Mediation does not provide justice to female victims of serious crimes, offering victims only a promise from her abuser not to repeat the crime. In some case, mediators themselves inflict abuse, for example by ordering girls or women to be given as compensation for murder, forcing women and girls to marry men who raped them, or excusing murder in the name of "honor." Afghan police and prosecutors continue to jail women and girls for on charges of "moral crimes" that include "running away" from home, and committing or attempting to commit sexual intercourse outside marriage "zina", or having sex outside of marriage. Rape victims can be charged with "zina" and imprisoned. These girls and women are subjected to invasive vaginal and anal examinations performed by Afghan government doctors, sometimes repeatedly on the same girl or woman including young girls. Afghan officials claimed that the government had since banned the examinations, but officials have told HRW that the practice remained widespread, and many judges, prosecutors, and police officials told them that they routinely order "virginity tests." HRW recommended to promptly investigate and appropriately prosecute cases of violence against women, including so-called "honor killings" and EVAW institutions should refer criminal offenses of violence against women to the criminal justice system, not to mediation or traditional dispute resolution mechanisms; take disciplinary action against EVAW judges and prosecutors who seek mediation in criminal cases; end the abusive practice of "virginity examinations," and discipline police, prosecutors and judges who order them; enforce the Supreme Court ruling decriminalizing "running away" and discipline police, prosecutors and judges who continue to prosecute and imprison girls and women on such grounds.[46]

35. ODVV also noted that one of the most serious human rights violations in Afghanistan is violence against women, particularly girls. In 2017 there were 4340 cases of violence against 2286 women. This is while in the previous year there were approximately 2046 reported cases of violence against women. These figures indicate that not only violence against women in Afghanistan has not dropped, but the abuses have increased. There have also been report of 277 women being murdered, while only 40 of them have been prosecuted. This shows a weakness in enforcing the law, additionally, victims' families' were reluctant to file a complaint against perpetrators of crimes. ODVV was also concerned that the government has still not taken any practical action against forced marriage of girls and or legally underage marriages. ODVV recommended monitoring the application of existing laws and adopting tough laws to punish perpetrators, which can reduce the rising trend of violation of women and girls' rights.[47]

36. HRW noted that the number of girls in school is falling due not only to insecurity, but to discriminatory practices, lack of female teachers, and schools that lack boundary walls and toilets. In the second UPR cycle, eight recommendations urged the Afghan government to ensure equal access to education for women and girls. Girls currently represented about 40 percent of the nearly 9 million children attending school in Afghanistan. By 2018, those percentages have fallen, and the situation for girls' education is getting worse. For the first time since 2002 the number of Afghan children studying is falling. HRW report found that while deteriorating security is a significant barrier to girls' education, girls were at increasing risk of missing school due to discrimination against girls within the school system, child marriage, lack of female teachers; and lack of facilities including boundary walls and toilets. The Afghan government has 5,260 boys' schools but only 2,531 girls' schools, and 60 percent of Afghan government schools have no toilets,

which deters girls, especially those who have begun menstruation, from attending school. It recommended taking concrete steps to realize the right to primary and secondary education for girls by ending discriminatory practices; recruiting more female teachers and providing financial incentives to encourage female teachers to work in underserved areas; and ensuring that all schools have adequate boundary walls, toilets, and access to safe water and promptly implement the National Action Plan to end child marriage.[48]

*Children*[49]

37. HRW recommended Afghanistan to promptly implement the National Action Plan to end child marriage.[50]

38. GIEACPC noted that corporal punishment in Afghanistan is prohibited in schools but it is still lawful in the home, in alternative care and in some day care settings, in penal institutions and as a sentence for a crime. It hoped that the Working Group will raise the issue during the review in 2019 and will note with concern the legality of corporal punishment of children in Afghanistan. It urged States to recommend Afghanistan to enact legislation to explicitly prohibit corporal punishment of children in all settings, including in the home and as a sentence for a crime under religious law, and repeal all legal defences for its use, including in the Shi'a Personal Status Law 2009.[51]

*Minorities and indigenous peoples*[52]

39. ODVV noted that over successive decades the Sh'ia in Afghanistan have been attacked in various ways and these attacks increased in 2017, to an extent that in the beginning of last year 1700 people lost their lives in extremist terror groups attacks alone, most of the victims being Afghan Shi'a minorities. ODVV stated that the targeted armed attacks against the Hazara began in 2014 and in 2016 the attacks reached their highest peak. "The main target of these attacks have been a specific ethnic or religious group, the Shi'a Hazaras." Also Shia religious ceremonies and their mosques have been target of terror attacks. One of the characteristics of the Afghan society is its ethnic and religious tapestry structure. Multi-ethnicity, multi-lingual and multi-religious sects are the main components of the national identity in Afghanistan. Therefore it recommended Afghanistan to understand these characteristics and adopt suitable measures in this regard, this can help nation and government building processes and create a collective identity. It called upon the Afghan government, while creating conditions for further participation of ethnic and religious minorities in the power structure of the country, to make further efforts to protect the rights of these groups.[53]

*Notes*

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a national human rights institution with "A" status).

*Civil society*

*Individual submissions:*

| | |
|---|---|
| ADF | ADF International, Geneva (Switzerland); |
| CPJ | Committee to Protect Journalists, New York (United States of America); |
| GIEACPC | Global Initiative to End All Corporal Punishment of Children, London (United Kingdom of Great Britain and Northern Ireland); |
| HRW | Human Rights Watch, New York (United States of America); |
| ICAN | International Campaign to Abolish Nuclear Weapons (ICAN) Geneva (Switzerland); |
| ODVV | Organization for Defending Victims of Violence, Tehran (Iran (Islamic Republic of)). |

*Joint submissions:*

| | |
|---|---|
| JS1 | **Joint submission 1 submitted by**: CIVICUS: World Alliance for Citizen Participation, Johannesburg (South Africa); Afghanistan Human Rights Organization (AHRO), Kabul |

| | |
|---|---|
| | (Afghanistan), People's Action for Change Organization (PACO) Kabul (Afghanistan) and Civil Society and Human Rights Network (CSHRN), Kabul (Afghanistan). |
| *National human rights institution:* | |
| AIHRC | Afghanistan Independent Human Rights Commission (AIHRC), Afghanistan. |

[2] AIHRC, p. 2.
[3] AIHRC, p. 3.
[4] AIHRC, p. 3.
[5] AIHRC, p. 8.
[6] AIHRC, p. 6-7.
[7] AIHRC, p. 7.
[8] AIHRC, p. 3 and 7.
[9] AIHRC, p. 6.
[10] AIHRC, p. 8.
[11] AIHRC, p. 4-5.
[12] AIHRC, p. 8.
[13] AIHRC, p. 5-6 and 8.
[14] AIHRC, p. 4.
[15] The following abbreviations are used in UPR documents:

| | |
|---|---|
| ICERD | International Convention on the Elimination of All Forms of Racial Discrimination; |
| ICESCR | International Covenant on Economic, Social and Cultural Rights; |
| OP-ICESCR | Optional Protocol to ICESCR; |
| ICCPR | International Covenant on Civil and Political Rights; |
| ICCPR-OP 1 | Optional Protocol to ICCPR; |
| ICCPR-OP 2 | Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty; |
| CEDAW | Convention on the Elimination of All Forms of Discrimination against Women; |
| OP-CEDAW | Optional Protocol to CEDAW; |
| CAT | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; |
| OP-CAT | Optional Protocol to CAT; |
| CRC | Convention on the Rights of the Child; |
| OP-CRC-AC | Optional Protocol to CRC on the involvement of children in armed conflict; |
| OP-CRC-SC | Optional Protocol to CRC on the sale of children, child prostitution and child pornography; |
| OP-CRC-IC | Optional Protocol to CRC on a communications procedure; |
| ICRMW | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; |
| CRPD | Convention on the Rights of Persons with Disabilities; |
| OP-CRPD | Optional Protocol to CRPD; |
| ICPPED | International Convention for the Protection of All Persons from Enforced Disappearance. |

[16] For relevant recommendations see A/HRC/26/4, paras. 136.4-7, 136.12, 136.19-136.20, 136.22-136.23, 136.171, 137.1-137.9, 137.20, 137.22-137-29, 138.5 and 138.7.
[17] ICAN, p. 1.
[18] HRW, p. 2-3.
[19] JS1, p. 15.
[20] JS1, p. 15-16.
[21] JS1, p. 15-16.
[22] For relevant recommendations see A/HRC/26/4, paras. 136.1-136.3, 136.8-136.11, 136.13, 136.38-136.39, 136.45, 136.89, 136.91, 136.119-136.119, 136.172-136.177, 137.10 and 137.21.
[23] JS1, p. 15-16.
[24] For relevant recommendations see A/HRC/26/4, paras. 136.81.
[25] HRW, p. 2.
[26] For relevant recommendations see A/HRC/26/4, paras. 136.49, 136.82-136.84, 136.118, 137.11 and 138.1-138.10.
[27] HRW, p. 1.

[28] HRW, p. 1-3. See recommendations A/HRC/26/4, paras. 137.31 (Denmark); 136.82 (Italy); and 137.17 (Germany).
[29] For relevant recommendations see A/HRC/26/4, paras. 136.14-136.15, 136.17, 136.46-136.48, 136.85, 136.103, 136.105-136.106, 136.166-136.168 and 137.13-137.19.
[30] HRW, p. 5-6. See recommendations A/HRC/26/4, paras. 136.103 (Belgium); 137.15 (Sweden); 137.16 (Morocco); and 137.18 (Netherlands).
[31] For relevant recommendations see A/HRC/26/4, paras. 136.61-136.63, 136.77-136.80.
[32] ADF International, p. 1-4 and 6-7.
[33] ADF International, p. 4-5 and 7.
[34] CPJ, p. 2 and 4.
[35] HRW, p. 5.
[36] JS1, p. 9 and 14, CPJ, p. 2 and 4 and HRW, p. 5. See also A/HRC/26/4, recommendations Nos. 136.77 (Belgium), 136.78 (Belgium), 136.79 (Lithuania), 136.80 (Maldives), 136.103 (Belgium), 136.106 (Argentina), 136.15 (Singapore), and 136.81 (Sri Lanka).
[37] JS1, p. 9 and 14.
[38] JS1, p. 9 and 14.
[39] HRW, p. 5.
[40] JS1, p. 3, 7-8 and 13.
[41] JS1, p. 4-6 and 12-13.
[42] JS1, p. 11 and 14-15.
[43] For relevant recommendations see A/HRC/26/4, paras. 136.18, 136.28, 136.30-136.31, 136.37, 136.42, 136.44, 136.51, 136.65-136.68, 136.70, 136.86-136.88, 136.94-136.95, 136.107-136.110, 136.113, 136.170, 136.173 and 136.178.
[44] ODVV, p. 5-6.
[45] For relevant recommendations see A/HRC/26/4, paras. 136.21, 136.24, 136.31, 136.51-136.60, 136.69-136.76, 136.88, 136.90, 136.92-136.97, 136.99-136.102, 136.111, 136.131-136.165, 136.178, 137.13-137.14 and 138.12.
[46] HRW, p. 3-4. See also A/HRC/26/4, para. 137.7 (Mexico).
[47] ODVV, p. 3-4.
[48] HRW, p. 1 and 4. See also A/HRC/26/4, paras. 136.178 (Bhutan), 136.94 (Chile), 136.110 (Croatia), 136.70 (Djibouti), 136.85 (Ecuador), 136.86 (Mexico), 136.87 (Portugal), and 136.88 (Switzerland).
[49] For relevant recommendations see A/HRC/26/4, paras. 136.16, 136.21, 136.25, 136.27, 136.31, 136.37, 136.50, 136.57, 136.65, 136.67, 136.75-136.76, 136.95, 136.100, 136.102 136.107-136.112, 136.114-136.117, 136.130, 136.155, 136.158-136.160, 136.165, 136.169, 137.2 and 137.32.
[50] HRW, p. 1and 4.
[51] GIEACPC, p. 1-2. See also A/HRC/26/4, Report of the working group, paras. 136(1), 136(3), 136(4), 136(5), 136(6), 136(7), 136 (107), 136(108), 136(109), 136(112) and 136(130).
[52] For relevant recommendations see A/HRC/26/4, paras. 136.61.
[53] ODVV, p. 4-5.